

original + 9 copies.

Dr. Roop L. Jindal  
2481 Arf Avenue  
Hayward, CA 94545  
(415) 554-2330 (Day)  
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Hayward  
April 9, 1996

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Office of the Secretary  
Federal Communications Commission  
Washington DC 20554

DOCKET FILE COPY ORIGINAL

Subject: Preemption of Local Zoning Regulations  
of Satellite Earth Systems  
IB Docket No. 95-59  
DA 91-577  
45-DSS-MISC-93  
COMMENTS

**Honorable FCC Commission Members**

Refer to your proposed Rule modification.

There are more than 32 million Americans who are members of Home owners Associations, and there are more than 25,000 such associations in California. There must not be any restrictions to install 18" dish on roofs or side walls for such home. Our Home owners association denied our request to install this dish. Section 1376 of California Civil Code was modified in 1995 and became law in January 1996. This law does not allow satellite dish of 36" diameter or less, if it is visible from street or common area. Our Association denied our request based on this.

The following documents are attached for your reference:

- 1) My application dated January 11, 1996
- 2) Denial of Home Owners Association dated February 12, 1996.
- 3) Section 1376 of California Civil Code.

TV Asia program is not available thru our cable. We have to install 18" dish to receive this program. Denial of this new technology discriminates against Minorities and low income Americans living in Townhouses etc. which are controlled by Home Owners Association. There are pipes and vents projecting from the roof. The installation of 18" dish will not effect esthetic of the house. The property value will rather increase than decrease if satellite dish are allowed .

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**Federal Communication Commission**  
**Comments from Dr. Roop Jindal**  
**April 9, 1996,**  
**Page 2**

As stated in para 62, on page 30, the commission must add the following to Section 25.104:

- (f) No restrictive covenant, encumbrance, homeowners' association rule, or other non-governmental restriction shall be enforceable to the extent that it impairs a viewer's ability to receive video programming over a satellite antenna less than one meter in diameter.


The inclusion of this para graph is essential for Americans living in houses governed by Associations.

We hope that the FCC will issue the revised rules incorporating the above shortly.

We appreciate your help in this matter. Please reply at any early date.

Thanking you.

Very truly yours,

  
Dr. Roop Jindal

Attachment: As noted

File: Letter2.21

Dr. Roop L. Jindal  
2481 Arf Avenue  
Hayward, CA 94545  
(415) 554-2330 (Day)  
(415) 732-1440 (Evening)

Hayward  
January 11, 1996

To  
The Board of Directors  
Glen Eden Home Owners Association  
2500 Oliver Drive  
Hayward, CA 94545

Subject: Permission for the Installation of 18" Satellite  
Dish on the Roof for Direct TV

We are the owners of the above unit. We want to install 18" diameter Satellite dish on the Roof of our Unit.

This dish will be used to obtain TV Asia Program and Direct TV program. This program is not available thru the cable system. Therefore there is no alternative for us except to install this dish. The dish has to be installed on the roof because South-east sky must be clearly visible. The dish weighs only approximately 30 lbs. Since the Association has already installed TV antenna on the roof, the installing of 18" dish should not be problem.

A sketch of 18" dish is attached.

Please give us necessary permission to install this 18" wide dish on the roof of our unit at 2481 Arf Avenue.

If you have any questions, please contact me at 415-554-2330.

Thanking you.

Very truly yours,

  
Dr. Roop L. Jindal

Attachment: As noted

File: Letter22

**GLEN EDEN GARDEN HOMES ASSOCIATION  
2500 OLIVER DRIVE  
HAYWARD, CALIFORNIA 94545  
510-785-2488 FAX: 510-785-2516**

February 12, 1996

Dr. Roop L. Jindal  
2481 Arf Avenue  
Hayward, CA 94545

Re: Request for installation of satellite dish and removal of trees

Dear Dr. Jindal:

The Board of Directors has reviewed your request to install a satellite dish on the roof of your unit and, regretfully, must deny your request. The basis of the Board's denial is based on a careful review of the Association's CC&Rs and California Civil Code Section 1376.

With regard to your second request to have trees removed next to your patio and replace the concrete patio that has been damaged by the tree roots, please be advised that we are currently soliciting bids for Board approval for replacement of your patio and will have the trees evaluated by an arborist during the next few weeks. We will advise you when your patio is scheduled to be replaced.

Thank you for bringing your concerns to the attention of the Board.

Sincerely,



Ann Parish, CPM  
Executive Property Manager

cc. Board of Directors

BILL TEXT

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 1376 is added to the Civil Code, to read:

1376. (a) Any covenant, condition, or restriction contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of, or any interest in, a common interest development that effectively prohibits or restricts the installation or use of a video or television antenna, including a satellite dish, or that effectively prohibits or restricts the attachment of that antenna to a structure within that development where the antenna is not visible from any street or common area, except as otherwise prohibited or restricted by law, is void and unenforceable as to its application to the installation or use of a video or television antenna that has a diameter or diagonal measurement of 36 inches or less.

(b) This section shall not apply to any covenant, condition, or restriction, as described in subdivision (a), that imposes reasonable restrictions on the installation or use of a video or television antenna, including a satellite dish, that has a diameter or diagonal measurement of 36 inches or less. For purposes of this section, "reasonable restrictions" means those restrictions that do not significantly increase the cost of the video or television antenna system, including all related equipment, or significantly decrease its efficiency or performance and include all of the following:

(1) Requirements for application and notice to the association prior to the installation.

(2) Requirement of the owner of a separate interest, as defined in Section 1351, to obtain the approval of the association for the installation of a video or television antenna that has a diameter or diagonal measurement of 36 inches or less on a separate interest owned by another.

(3) Provision for the maintenance, repair, or replacement of roofs or other building components.

(4) Requirements for installers of a video or television antenna to indemnify or reimburse the association or its members for loss or damage caused by the installation, maintenance, or use of a video or television antenna that has a diameter or diagonal measurement of 36 inches or less.

(c) Whenever approval is required for the installation or use of a video or television antenna, including a satellite dish, the application for approval shall be processed by the appropriate approving entity for the common interest development in the same manner as an application for approval of an architectural modification to the property, and the issuance of a decision on the application shall not be willfully delayed.

(d) In any action to enforce compliance with this section, the prevailing party shall be awarded reasonable attorney's fees.